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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,387	05/21/2001	Andrew D. Padawer	50037.19US01/MS#164070.1	8873

27488 7590 05/18/2004

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EXAMINER

CHUNG TRANS, XUONG MY

ART UNIT PAPER NUMBER

2833

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/862,387

Applicant(s)

PADAWER ET AL.

Examiner

Xuong M. Chung-Trans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. This is responsive to a request for continued examination filed on June 13, 2003.

Claims 1-22 are pending in this application.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (USPN 5,542,035) in view of Chou et al. (USPN 5,832,283).

As per claim 1 and 6, Kikinis discloses the invention substantially as claimed, comprising: a timer (RCT 26) configured to generate a wake event upon the expiration of a countdown time; a first set of data including a sleep time and a wake time (col. 3, lines 45-50); a second set of data (col. 3, lines 11-15, col. 4, lines 3-10); means configured to store and retrieve time data; and an application configured to put the device in a low power consumption state substantially near the sleep (col. 4, lines 3-61). Kikinis does not explicitly disclose that the second set of data including future appointment times can be stored in and retrieved from an appointment register and uses one of the future appointment times or the wake time to bring the mobile device out of the low power consumption state at substantially the earlier of the wake time or one of the future appointment time. Chou, however, discloses such an appointment register (scheduling database 155) and uses the wake time (timer expired) or

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appointment time (another event) to wake up the system, either one (it is implied/inherent that the one that is earlier or first will cause wake up) of the conditions are enough to cause wake up (see abstract, lines 6-9). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include the teaching of Chou in the Kikinis system in order to allow the system wake-up when the timer expired or another event, whichever occurs first as necessary.

As per claim 2, Kikinis disclose the application is configured to not to bring the device out of the low power consumption if the device has been shut off by the user-actuated hard switch (KBC, col. 2, lines 6-10; lines 60-63).

As per claims 3, Both Kikinis and Chou disclose the user interface configured to receive the first set of data and the second set of data. See Kikinis (kbd and col.4, lines 15- 66); and Chou (user interface 180, col. 8, lines 9-15; col. 21, lines 20-23; and col. 28, line 38 to col. 29, line 23).

As per claims 4-5, Kikinis does not explicitly disclose about the placing of the device into or out of the low power consumption state. Kikinis, however, disclose the use of earlier or later startups and/or shutdowns (col. 4, lines 20-42). Therefore, it would have been obvious to one of ordinary in the art, at the time the invention was made, that the Kikinis system must abort the placing of the device into or out of the low power consumption state. This is because Kikinis specifically teach a system that provide an easy adjustment of startup and shutdown time to accommodate shift work, holidays, weekends, etc. and thereby provide both flexible and energy-efficient (col.1, lines 47-56

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and col. 3, lines 45-49. Further, Chou discloses about the placing of the device into or out of the low power consumption state (col. 11, lines 28-57).

As per claims 10-22, these claims recite a method steps substantially corresponding to the system claims 1-6. Therefore, they are rejected under a similar rational.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis and Chou as applied to claim 1 above, and further in view of Vossler (USPN 6,317,593) and/or Vong et al. (USPN 6,209,011).

As per claims 7-9, Kikinis does not explicitly disclose the predetermined event including appointment time, meeting time or a task expiration time. Both Vossler and Vong, however, disclose such a predetermined event schedule (Vossler, abstract and col. 8, lines 10-54; Vong, col. 1, lines 30-36, col. 5, lines 8-18). Therefore, it would have been obvious to one skilled artisan at the time the invention was made to include such event schedule as taught by Vossler and Vong into the Kikinis' system in order to activate or deactivate the device and to help schedule event and to perform other function according to the user's need.

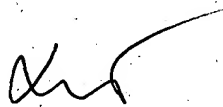
5. The additional cited references are considered as art being relevant to this application. Applicant is requested to consider them when responding to this Office action.

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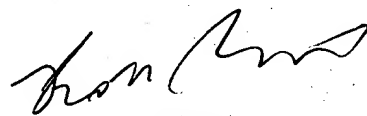
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xuong M. Chung-Trans whose telephone number is (571) 272-2002. The examiner can normally be reached on Monday-Friday from 9:30AM to 1:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley, can be reached on (571) 272-2800 extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X. Chung-Trans

  
**ROSS GUSHI**  
**PRIMARY EXAMINER**